

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**  
**March 27, 2003**

**IN RE:**

**PETITION FOR APPROVAL OF  
AMENDMENT TO INTERCONNECTION  
AGREEMENT BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
ADELPHIA BUSINESS SOLUTIONS  
OPERATIONS, INC. AND ADELPHIA  
BUSINESS SOLUTIONS OF NASHVILLE,  
L.P.**

**DOCKET NO. 03-00078**

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**ORDER APPROVING  
SECOND AMENDMENT TO INTERCONNECTION AGREEMENT**

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This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on March 17, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Adelphia Business Solutions Operations, Inc. and Adelphia Business Solutions of Nashville, L.P.

The original interconnection agreement and the first amendment between these parties were filed on May 4, 2001, and were assigned Docket No. 01-00407. At a regularly scheduled

Authority Conference on July 24, 2001, a majority<sup>1</sup> of the Directors voted to take no action on the interconnection agreement and first amendment; therefore, by operation of 47 U.S.C. § 252(e)(4), the interconnection agreement and first amendment thereto were deemed approved on August 2, 2001. The second amendment, which is the subject of this document, was filed on January 29, 2003.

Based upon a review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest,

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<sup>1</sup> Chairman Kyle did not vote with the majority. Instead, she voted in favor of approval. The terms of the former Directors of the Authority, Chairman Sara Kyle, Director H. Lynn Greer, Jr., and Director Melvin J. Malone, expired on June 30, 2002. Chairman Sara Kyle was reappointed and commenced a new term as a Director of the Authority on July 1, 2002. Deborah Taylor Tate, Pat Miller, and Ron Jones began terms as Directors on July 1, 2002. Pursuant to the requirements of the amended provisions of Tenn. Code Ann. § 65-1-204, a three member voting panel consisting of Chairman Kyle and Directors Tate and Miller was randomly selected and assigned to this docket.

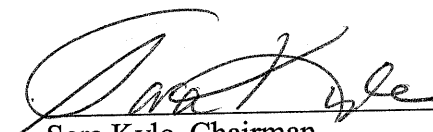
convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

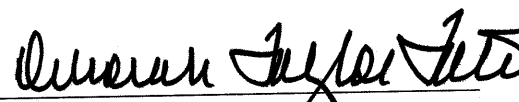
5) No person or entity has sought to intervene in this docket.

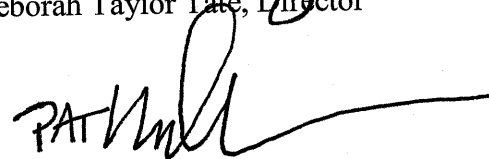
6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the second amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Adelphia Business Solutions Operations, Inc. and Adelphia Business Solutions of Nashville, L.P. is approved and is subject to the review of the Authority as provided herein.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

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<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B).